

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOEL SWANBOM, et al.,

Plaintiffs,

v.

TRAVELERS COMMERCIAL INSURANCE  
COMPANY,

Defendant.

Case No. 1:24-cv-00171-KES-SAB

ORDER VACATING SEPTEMBER 3, 2025  
HEARING ON DEFENDANT'S MOTION  
TO DISMISS

Defendant Travelers Commercial Insurance Company filed a motion to dismiss the operative complaint on July 25, 2025 and set the hearing for September 3, 2025. (ECF No. 33.) Plaintiffs' opposition to the motion to dismiss was due on August 8, 2025. L.R. 230(c). Plaintiffs failed to file an opposition by the deadline.

A party who fails to file a timely opposition is not entitled to be heard in opposition to the motion at oral argument and the failure to file a timely opposition may be construed as a non-opposition to the motion. L.R. 230(c).

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1 Accordingly, IT IS HEREBY ORDERED that the hearing set for September 3, 2025, is  
2 VACATED, Defendant's motion to dismiss is taken under submission, and the Court shall issue  
3 findings and recommendations in due course.

4  
5 IT IS SO ORDERED.

6 Dated: August 12, 2025

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE  
United States Magistrate Judge